

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

UNITED STATES OF AMERICA,
Respondent

v.

(3) LOPEZ MATEO MATEO,
Movant

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**MO-22-CR-00109-DC
MO-24-CV-00111**

Order for Movant Lopez Mateo Mateo to Show Cause regarding Notice of Appeal

In his Declaration in Support of his 28 U.S.C. §2255 motion, Movant alleges that counsel did not file a Notice of Appeal after sentencing. “Counsel Johnson further stated that if Petitioner appealed Petitioner would get more time, that it was not in Petitioner’s best interest to appeal because Petitioner would get more time.” [docket number 141-2 at 2]. “Petitioner clearly indicated to Counsel that Petitioner wanted to appeal but Counsel ignored Petitioner.” [*Id.*]. “Petitioner Lopez Mateo Mateo states that before and after sentencing, Petitioner had discussed about an appeal with Counsel. Counsel failed to guide, explain and inform Petitioner of a direct appeal...Petitioner Lopez Mateo Mateo anticipated on a direct appeal but later learned that Counsel had not filed a direct appeal...Counsel failed to file an appeal despite Petitioner’s wish to appeal. Counsel simply ignored Petitioner’s request to appeal.” [*Id.* at 3].


The issue before this Court is whether Movant ever asked his attorney to file a Notice of Appeal on his behalf and what counsel said or did in response. Movant is ordered by this Court to respond to this Order answering these questions no later than October 24, 2024:

Did you ask your attorney to file a Notice of Appeal on your behalf *after* sentencing? If so, how and when? If not, why not? What had you and your attorney discussed about appealing your case *before* sentencing? Explain in detail.

Movant does not need to cite any caselaw to complete his response to this Show Cause Order. That said, if Movant fails to respond to this Order to Show Cause by October 24, 2024, this case will be dismissed under Fed. R. Civ. P. 41(b) for failure to prosecute and failure to comply with the orders of this Court.

It is so **ORDERED**.

SIGNED this 24th day of September, 2024.



DAVID COUNTS
UNITED STATES DISTRICT JUDGE